



## Patent Technology Centers

### Facsimile Transmission

<b>To:</b>	<b>Name:</b>	<b>Michael Whitham</b>
	<b>Company:</b>	
	<b>Fax Number:</b>	<b>97037877557</b>
	<b>Voice Phone:</b>	
<b>From:</b>	<b>Name:</b>	<b>Examiner John Pak</b>
	<b>Official Fax Number:</b>	<b>(571) 273-8300</b>
	<b>Official After Final Fax Number:</b>	<b>(571) 273-8300</b>
	<b>Voice Phone:</b>	<b>571-272-0620</b>

**37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).**

#### Fax Notes:

---

Re: Docket 03170005aa

Mr. Whitham, I got your message today. Please review the draft. As discussed earlier, all claims are amended or canceled to correspond to claim 1. Much work remains to ultimately determine allowability, but this gives me a framework to proceed. Good chance for allowability, I believe, but I need to put in the work once I have your go ahead. Thanks.

John Pak (571) 272-0620

---

Date and time of transmission: Wednesday, April 13, 2011 2:26:02 PM

Number of pages including this cover sheet: 03

---

Draft Proposal to amend the claims pending final determination of allowability –  
This is not a final indication of allowability

Cancel claims 9, 11-13, 17-20, 48, 54-57.

Claim 1. (Currently amended) A method for reducing disease on a wheat crop infected with at least one Puccinia fungal pathogen, comprising:

providing a herbicide resistant wheat crop infected with at least one Puccinia fungal pathogen; and

treating said crop with glyphosate in an amount effective to reduce the effects of the fungal pathogen on the crop;

wherein no other fungicide is applied to the crop.

Claim 2. (Currently amended) The method according to claim 1, wherein the wheat crop is glyphosate resistant wheat.

Claim 3. (Currently amended) The method according to claim 2, wherein the at least two separate applications of glyphosate are applied at least seven days apart.

Claim 15. (Currently amended) The method according to claim 1, wherein yield of the wheat crop is 5% to about 20% higher than a crop not treated with glyphosate.

Claim 16. (Currently amended) The method according to claim 1, wherein the crop is treated with glyphosate at a stage between the 3 leaf stage and the flowering stage.

Claim 41. (Currently amended) A method for reducing disease on a wheat crop infected with at least one foliar Puccinia fungal pathogen, comprising:

providing a herbicide resistant wheat crop infected with at least one Puccinia fungal pathogen; and

treating said crop with glyphosate at a density of at least 1.0 kg/ha of glyphosate, thereby reducing the effects of the foliar pathogen on the crop;

wherein no other fungicide is applied to the crop.

Claim 46. (Currently amended) A method for treating fungal disease or reducing adverse effects of fungal disease in a wheat crop infected with at least one Puccinia fungal pathogen, comprising:

providing a glyphosate resistant wheat crop infected with at least one Puccinia fungal pathogen; and

treating said crop with glyphosate in an amount and under conditions sufficient to inhibit growth or proliferation of the fungal pathogen on the crop;

wherein no other fungicide is applied to the crop.

Claim 49. (Currently amended) The method according to claim 46, wherein said fungal pathogen is implicated in stripe rust.

**Reserved: search update, interference check, final prior art review, final technology review, final editorial review. Final determination pending. This draft is for the purpose of possibly expediting prosecution.**